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[Redacted]  
By email: [Redacted]

Our ref: EIR2024/13311  
9 September 2024

Dear [Redacted] ,

**REQUEST FOR INFORMATION: Reports on PFAS by Jacobs UK Ltd for the Environment Agency (EA) between 2019 and 2024**

Thank you for your request for information of 23 July 2024 about reports on PFAS by Jacobs UK Ltd for the EA between 2019 and 2024. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

*Please may I get access to reports on PFAS produced under contract by Jacobs UK Ltd for the Environment Agency between 2019 and 2024.*

*In particular, I believe there is an EA PFAS Risk Explorer published in 2022, and a Source assessment and risk evaluation for PFAS: risk screening (preliminary scoping study) Report B23824/00/01 produced in June 2020.*

*I would also like access to an Overview of per- and polyfluoroalkyl substances (PFAS) in the UK published by the Environment Agency in 2021.*

Please see the pdf document 'PFAS WP4 Phase 4 – Report' which is attached as Annex C.

We have decided that some of the information in Annex C should be withheld under regulations 12(3) and 13(1) and (2A) of the EIRs as the information constitutes personal data relating to persons other than you. These regulations exempt personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would breach any of the data protection principles in Article 5(1) of the UK General Data Protection Regulation (GDPR).

We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data

because the information relates to non-SCS members of staff who are not a public facing officials, who would not reasonably have expected their names to be made public.

### **Regulation 12(5)(e)**

In addition, we have also refused information under the exception at regulation 12(5)(e) of the EIRs, which relates to the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

We recognise there is a public interest in the disclosure of information relating costs associated with the clean-up of per- and polyfluoroalkyl substances (PFAS) contamination. We understand that the release of such information will show transparency within government and inform the public what discussions are going on in relation to this matter.

However, it is important that the organisations are able to share information with Defra in confidence should they wish to. It is therefore important that commercial confidentiality is maintained so that various options can be explored without fear that disclosure of this information may reveal information that might affect the commercial interests of these organisations and/or damage competitiveness. If this information were to be disclosed then the relationship of trust between the bodies providing and receiving the information would be undermined, which in turn could lead to the bodies concerned being less willing to share further information for fear of disclosure. It could also be used by others to gain a competitive advantage which is not in the public interest.

Therefore, in all the circumstances of the case we have concluded that in all the circumstances of this request, that the exception is engaged and that the information should be withheld.

Some of the information that you have requested is available at the following link: [https://assets.publishing.service.gov.uk/media/611e31fbd3bf7f63b19cea2d/Poly-and\\_perfluoroalkyl\\_substances\\_sources\\_pathways\\_and\\_environmental\\_data\\_report.pdf](https://assets.publishing.service.gov.uk/media/611e31fbd3bf7f63b19cea2d/Poly-and_perfluoroalkyl_substances_sources_pathways_and_environmental_data_report.pdf)

As the information you have requested is already publicly available and easily accessible to you in another form or format, regulation 6(1)(b) of the EIRs exempts Defra from providing a copy of the information with this response to your request.

Following a search of our paper and electronic records, we have established that the remaining information that you have requested is not held by Defra. The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner's Office (ICO), which is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the ICO's view, Defra has not conducted a public interest test in this case.

However, under our duty to advise and assist applicants in pursuance of regulation 9, we can confirm that the outputs of the contract will have been received directly by the Environment Agency and the information may be held by the Environment Agency, which can be contacted at [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Information disclosed in response to this EIRs request is releasable to the public. In keeping with the spirit and effect of the EIRs and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact us.

Yours sincerely

[Redacted]

**Information Rights Team**

[InformationRequests@defra.gov.uk](mailto:InformationRequests@defra.gov.uk)

## Annex A

### Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

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## Annex B

### Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to [Redacted] Head of Information Rights via email at [InformationRequests@defra.gov.uk](mailto:InformationRequests@defra.gov.uk) and they will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>